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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : Cella et al.
FOR : **TELECHELIC EMISSIVE OLIGOMERS
AND POLYMERS DERIVED THEREFROM**

SERIAL NO. : 10/680,470
FILED : October 7, 2003
ART UNIT : 1711
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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

The Examiner has identified Group I, claims 1-6 and 15-17; Group II, claims 7-14 and 18-20; and Group III, claims 21-24 as distinct inventions for which restriction is required. Applicants hereby elect Group I, for further consideration on the merits. However, Applicants respectfully traverse the Examiner's identification of Groups I and II as distinct inventions.

Particularly, Applicants first note that the Examiner has failed to set forth any basis in the Office Action as to why Groups I and II are distinct. Moreover, the Examiner has only indicated the two groups to be associated with different subclasses. While this may evidence a burden on the Examiner by keeping both groups in the case, it does not evidence distinctiveness.

Second, Applicants submit that the additional step of reacting the oligomer of step B with a difunctional monomer to form a polymer is not sufficient to establish distinctiveness. For example, step C of claim 7 could be added to the application as a claim depending from claim 1. The Examiner may contend that such a claim is a species to generic claim 1, but since the present application does not contain an unreasonable number of species, such a conclusion does not require such a claim (nor its equivalent, claim 7) to be separated.

In view of the above, Applications submit that Groups I and II should be considered together in the present application.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this **RESPONSE TO RESTRICTION REQUIREMENT** is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450, on March 8, 2005.

By: 
Georgeen B. Sonntag